



1 1. Plaintiff shall furnish counsel for Defendants with copies of all relevant  
2 documents, including expert reports **on or before June 20, 2005**. Any document or  
3 report not so furnished **will be precluded from evidence at trial**.

4 2. Plaintiff shall file a Final Amended Witness List **on or before June 20, 2005**,  
5 including, *inter alia*, the name and address of the witness. Plaintiff shall heed this  
6 court's prior admonition that a party and/or attorney listing a witness who is not called  
7 to testify **shall pay the discovery costs on such witness, including attorney fees**,  
8 subject to review by the court to prevent a manifest injustice. The list shall include a  
9 **substantive and detailed** description of the expected testimony.

10 3. Defendants shall furnish all relevant documents, including expert reports, to  
11 counsel for the Plaintiff **on or before June 20, 2005**. Any document or report not  
12 furnished **will be precluded from evidence at trial**.

13 4. Defendants shall file a Final Amended Witness List **on or before July 1,**  
14 **2005**, including, *inter alia*, the name and address of the witness. Defendants shall heed  
15 this court's prior admonition that a party and/or attorney listing a witness who is not  
16 called to testify **shall pay the discovery costs on such witness, including attorney**  
17 **fees**, subject to review by the court to prevent a manifest injustice. The list shall include  
18 a **substantive and detailed** description of the expected testimony.

19 5. This court has orally ruled that it is not a waiver of the attorney client  
20 privilege for Plaintiff's current counsel to file letters with the court substantiating  
21 Plaintiff's attempt to obtain documents from prior counsel. Plaintiff's counsel may  
22 redact the letters, if the letters contain other privileged communications. Plaintiff shall  
23 file such letters **on or before June 20, 2005**.

24 6. Defendants' prior Motion for Sanctions **is taken under advisement** for a  
25 determination of the appropriate award, if any, of attorney fees. (Ct. Rec. 55).

26 7. Plaintiff's Motion for Protective Order is **DENIED as Moot**. (Ct. Rec. 67).  
27 Plaintiff is satisfied with this court's prior and continuing Order that Albert DeAtley is  
28 to have no contact with anyone having business relations with Alan DeAtley.

1 8. All remaining dates in this court's prior Scheduling Order (Ct. Rec. 21) are  
2 hereby **STRICKEN** and reset as set forth herein.

3 9. All discovery shall be completed on or before **September 15, 2005**.  
4 Interrogatories, requests for admission/production, etc. must be served sufficiently early  
5 that all responses are due before the discovery deadline. Any motion to compel, shall  
6 be filed and served on or before **August 15, 2005** so that it may be resolved prior to the  
7 discovery deadline. Given the excessive amount of time the court has spent on  
8 discovery disputes at this stage, the court will appropriately address any future lack of  
9 cooperation, professionalism, or civility that necessitates a motion to compel and  
10 reserves the right to impose sanctions on either the respondent, movant, or both.

11 10. All dispositive motions shall be filed and served on or before **October 17,**  
12 **2005**. Response and reply briefing shall be filed and served in accordance with Local  
13 Rule 7.1. Oral argument, if requested, shall be scheduled by contacting the court's  
14 judicial assistant, Margaret Buckner, at 509-353-2180.

15 **11. THE PARTIES SHALL FILE NO FURTHER DISCOVERY EXCEPT**  
16 **THOSE PORTIONS NECESSARY TO SUPPORT MOTIONS.**

17 12. There shall be no further joinder of parties without leave of the court.

18 13. All unresolved substantive and foreseeable evidentiary issues shall be  
19 addressed by motions in limine to be filed and served on or before **May 15, 2006**.  
20 Responses shall be filed in accordance with Local Rule 7.1. Such motions will be  
21 addressed and resolved at the pretrial conference.

22 14. Exhibit lists shall be filed and served and exhibits not previously furnished  
23 made available for inspection (or copies provided) on or before **May 1, 2006**. Counsel  
24 have been previously advised that the court views Fed. R. Civ. P. 26 as imposing on  
25 counsel and the parties an obligation to voluntarily furnish all relevant documents and  
26 information without the necessity of the other party filing formal discovery requests.  
27 Objections to exhibits shall be filed and served on or before **May 8, 2006**, and shall be  
28 heard at the pretrial conference. All exhibits shall be pre-marked: Plaintiff's are to be

1 numbered 1 to 499; Defendants shall use numbers 500 et. seq..

2 15. Designation of substantive, as opposed to impeachment, deposition  
3 testimony of witnesses who will be unavailable to give live testimony at trial, shall be  
4 by highlighting and served, **not filed**, on or before **May 15, 2006**. Cross-designations  
5 by highlighting shall be served, **not filed**, on or before **May 25, 2006**. Supplemental  
6 designations in shall be served, **not filed**, on or before **May 31, 2006**. Plaintiff shall use  
7 **blue** highlighting for such designation(s) and Defendants shall use **yellow**.

8 Objections to any designated deposition testimony shall be **filed and served** on  
9 or before **June 9, 2006**, and shall be heard and resolved at the pretrial conference.

10 16. The pretrial conference will be held in Spokane, Washington, on **Friday,**  
11 **June 16, 2006**, at 9:00 a.m.. All unresolved motions and objections will be heard at the  
12 pretrial conference. If an agreed pretrial order has been lodged, counsel need not appear  
13 at the pretrial conference unless unresolved motions or objections exist.

14 17. Trial briefs, requested voir dire, and proposed jury instructions shall be filed  
15 and served so as to be in the court's hands on or before **June 23, 2005**. **These**  
16 **documents shall be filed electronically AND the parties shall deliver to the Clerk's**  
17 **office (not file) paper courtesy copies for chambers.**

18 18. The jury trial shall commence at 9:00 a.m., on **July 31, 2006**, in Spokane,  
19 Washington.

20 19. Defendant's Motion to Stay or Continue (Ct. Rec. 83), which sought a 30-to-  
21 60 day continuance, is **DENIED as Moot** given the more substantial continuance set  
22 forth herein.

23 20. Defendant's Motion to Exclude Evidence, Strike Pleadings, and for further  
24 sanctions (Ct. Rec. 88) is **DENIED**.

25 21. Defendants are cautioned to strictly adhere to Local Rule 10.1 and all  
26 counsel shall strictly observe and comply with all Local Rules of this court and the

27  
28 Federal Rules of Civil Procedure.

1       **IT IS SO ORDERED.** The Clerk is hereby directed to enter this Order and  
2 furnish copies to counsel.

3       **DATED** this 6th day of June, 2005.

4                               s/ Justin L. Quackenbush  
5                               JUSTIN L. QUACKENBUSH  
6                               SENIOR UNITED STATES DISTRICT JUDGE  
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